



# DODGE COUNTY SHERIFF'S OFFICE

Dale J Schmidt Sheriff Scott Mittelstadt Chief Deputy

## Law of the Month – April, 2020

### Inattentive Driving 346.89

As some of you may know, the month of April is National Distracted Driving Awareness month. One of the biggest distractions while driving is the cell phones that we have and carry around with us. Often while we are driving, we hear our cell phones go off and check to see who texted us. We do this without being aware of the consequences that could follow. Maybe you are aware of the potential consequences, you just ignore them because the text is too important or “it won’t happen to me”. Sending or reading a text takes your eyes off of the road for an average of 5 seconds. If you are driving at 55 mph, that is equivalent to driving the length of a football field without looking. When you text and drive, not only are you putting your own life at risk, but you are putting other lives at risk. According to the National Highway Traffic Safety Administration, distracted driving killed 2,841 people in 2018, 1,730 drivers, 605 passengers, 400 pedestrians, and 77 bicyclists. Overall, texting while driving results in 1.6 million crashes per year. Texting and driving is not worth the possible consequences. That text will still be there when you arrive at your destination. Here are some things you can do to help break the habit of distracted driving:

1. Keep your phone out of reach and/or out of sight while driving.
2. Turn your phone on ‘Do Not Disturb’ mode or turn your phone’s notification volume to silent and keep the vibration function off while in the vehicle.
3. Use an app to block incoming calls or texts while driving.
4. Pull over to a safe location and stop your vehicle entirely to send or read a text message.

Too many lives are impacted by the effects of distracted driving. Let’s all work together to help save lives by making a change.

### 346.89 Inattentive driving.

- (1) No person while driving a motor vehicle may be engaged or occupied with an activity, other than driving the vehicle, that interferes or reasonably appears to interfere with the person's ability to drive the vehicle safely.
- (3)
  - (a) No person may drive, as defined in s. [343.305 \(1\) \(b\)](#), any motor vehicle while composing or sending an electronic text message or an electronic mail message.
  - (b) This subsection does not apply to any of the following:
    1. The operator of an authorized emergency vehicle.
    2. The use of any device whose primary function is transmitting and receiving emergency alert messages and messages related to the operation of the vehicle or an accessory that is integrated into the electrical system of a vehicle, including a global positioning system device.
    3. An amateur radio operator who holds a valid amateur radio operator's license issued by the federal communications commission when he or she is using dedicated amateur radio 2-way radio communication equipment and observing proper amateur radio operating procedures.

4. The use of a voice-operated or hands-free device if the driver of the motor vehicle does not use his or her hands to operate the device, except to activate or deactivate a feature or function of the device.

**(4)**

(a) Subject to sub. [\(3\)](#), no person who holds a probationary license issued under s. [343.085](#), or an instruction permit issued under s. [343.07](#), may drive, as defined in s. [343.305 \(1\) \(b\)](#), any motor vehicle while using a cellular or other wireless telephone, except to report an emergency.

**(b)**

1. In this paragraph:

a. "Commercial motor vehicle" has the meaning given in [49 CFR 390.5](#).

b. "Drive" means the exercise of physical control over the speed and direction of a motor vehicle while it is in motion or is temporarily stationary because of traffic, a traffic control device, or other momentary delay.

c. "Mobile telephone" has the meaning given in [49 CFR 390.5](#).

2. Subject to sub. [\(3\)](#), except to report an emergency to law enforcement officials or other emergency service providers, no person may drive any commercial motor vehicle while using a hand-held mobile telephone in any the following manners:

a. Using at least one hand to hold a mobile telephone or any connected accessory to conduct a voice communication.

b. Dialing or answering a mobile telephone by pressing more than a single button.

c. Reaching for a mobile telephone in a manner that requires the driver to maneuver so that he or she is no longer in a seated driving position.

**(4m)** No person may drive, as defined in s. [343.305 \(1\) \(b\)](#), any motor vehicle while using a cellular or other wireless telephone, including using the telephone for a purpose other than communication, where persons engaged in work in a highway maintenance or construction area or in a utility work area are at risk from traffic, except to report an emergency. This subsection does not apply to the use of a voice-operated or hands-free device if the driver of the motor vehicle does not use his or her hands to operate the device, except to activate or deactivate a feature or function of the device.

**(5)** Subject to subs. [\(3\)](#) and [\(6\)](#), no person while driving a motor vehicle, other than an authorized emergency vehicle, a commercial motor vehicle described in s. [340.01 \(8\)](#), or a tow truck, may operate or be in a position to directly observe any electronic device located within the vehicle that is activated and that is providing entertainment primarily by visual means. This subsection does not prohibit a person from using a cellular telephone for purposes of verbal communication.

**(6)** Subsection [\(5\)](#) does not apply to any of the following:

(a) Any global positioning system device.

(b) The display by any device of information related to the operation, navigation, condition, radio, or safety of the vehicle or that is intended to be used to enhance the driver's view forward, behind, or to the sides of a motor vehicle.

(c) The display by any device of information related to traffic, road, or weather conditions.

(d) Any device in a vehicle that permits the vehicle driver to monitor vehicle occupants seated rearward of the driver.

(e) Any device installed or mounted, either permanently or temporarily, in the vehicle that, with respect to the vehicle operator, functions as provided in par. [\(a\)](#), [\(b\)](#), [\(c\)](#), or [\(d\)](#) while simultaneously providing entertainment visible only from passenger seats of the vehicle.